

The Board's Responsibility in Reassessing Level of Care Decisions

When a commitment has been made, a mental health board has the option of re-evaluating a level of care decision.

If a person is not cooperating, not following conditions of release or not following an outpatient treatment plan, which may include their not taking the prescribed medication, then the treating mental health professional can inform either the board or the county attorney and a new hearing may be held.

Re-assessment of a level of care decision may also be necessary when a committed person, while waiting for an opening at an inpatient level of care center or residential substance abuse program, has been receiving treatment at a crisis center/hospital. If the board finds that (1) the person could no longer be considered mentally ill and dangerous; or (2) no longer substance dependent and dangerous; or (3) that no cause exists for care or treatment; or (4) that a less restrictive alternative exists--the board may order immediate discharge or change the treatment disposition per Neb. Rev. Stat. 71-935

Neb. Rev. Stat. 71-937 removes the language requiring seven days notice in advance of a release by a treatment facility.